



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT

NOTIFICATION

The 7th December, 2024

No.E- 586779/18 .-

STANDARD OPERATING PROCEDURE (SOP) FOR UPDATING RESERVATION OF CONSTITUENCIES FOR SCHEDULED CASTE/SCHEDULED TRIBES AND WOMEN

Following Guidelines are hereby notified on the basis of prevailing Acts and Rules regarding Reservation to be carried out for the ensuing Panchayat Election:

1. The Assam Panchayat Act, 1994 & Rules thereof have provisions for reservation of PRI constituencies at different levels viz. 1) Ward Member of Gaon Panchayats 2) President/Vice President of Gaon Panchayats 3) Member of Anchalik Panchayats 4) President / Vice President of Anchalik Panchayats 5) Member of Zilla Parishads and 6) President/ Vice President of Zilla Parishads for SC, ST and Women.
2. **Points to be followed during the process of reservation :**
 - i. Census Report of 2001 is to be taken for working out population, viz; total population, Schedules Castes population and Scheduled Tribes population in different levels of PRI Constituencies.
 - ii. Reservation of seats of Ward Members /President /Vice-President of the Gaon Panchayats, Anchalik Panchayats & Members of the Zilla Parishads for Scheduled Caste, Scheduled Tribes and Women shall be done by the District Commissioners concerned.
 - iii. Reservation of seats of President /Vice-President of the Zilla Parishads for Scheduled Caste, Scheduled Tribes and Women shall be done by the State Government. (Panchayat & Rural Development Department).

- iv. Among the wards of Gaon Panchayats having more than 10% of the Scheduled Castes or Scheduled Tribes population shall be selected for purpose of reserving seats for Schedule Castes and Schedule Tribes by rotation as per sub-section (5) of Section 9 of Assam Panchayat (Amendment) Act, 2023.
- v. Principle of rotation for the purpose of reservation shall commence from the First Election after Delimitation of PRI Constituencies. So, the ensuing Panchayat Election shall be taken as First Election for process of reservation.
- vi. The reservation of constituencies for the Scheduled Caste and Scheduled Tribes in Gaon Panchayats, Anchalik Panchayats & Zilla Parishads are to be done by rotation while reservation for Women are to be done by rotation and by lottery as per Assam Panchayat Act, 1994 as amended.
- vii. Since the reservation of Scheduled Caste and Scheduled Tribes for constituencies of different levels of PRIs are to be done as per the proportion of their population with respect to total population of the area/jurisdiction of corresponding PRIs; any fraction with value equal to or more than 0.5 shall be rounded off to the next higher integer and fraction with value less than 0.5 has to be ignored.
- viii. The Assam Panchayat Act, 1994 and rules framed there under provide proportional reservation for SC/ST in all types of PRI constituencies by rotation.
- ix. Extant Panchayat Act & Rules require 50% reservation for Women in all levels of PRI Constituencies (including for the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) by rotation and lottery.

3. Reservation of Scheduled Caste and Scheduled Tribes seats of Gaon Panchayat Ward Members :

- a. Reservation of Gaon Panchayat Ward Members in the respective Gaon Panchayat shall be done by the District Commissioners for the entire district in presence of the representatives of political parties. [Refer Section 9 of the Assam Panchayat Act, 1994 and Rule 6 of the Assam Panchayat (Constitution) Rules, 1995.]
- b. Gaon Panchayat Ward Member reservation for Scheduled Castes and the Scheduled Tribes is to be done for every Gaon Panchayat separately [Refer sub-section (1) of Section 9 of Assam Panchayat Act, 1994]. At first, to take up the case of one particular Gaon Panchayat; then workout the percentage of Scheduled Castes and Scheduled Tribes population of that particular Gaon Panchayat with respect to the total population of that Gaon Panchayat. After that, to workout the number of seats to be reserved for Scheduled Castes by multiplying the Scheduled Castes percentage by the total no. of Wards (say 10); similarly to workout the number of seats to be reserved for Scheduled Tribes, by multiplying the Scheduled Tribes population percentage by the total number of wards.

- c. Next, to workout the individual Gaon Panchayat Member ward wise percentage of Scheduled Castes and Scheduled Tribes, with reference to the total population of the particular Gaon Panchayat. Then for reservation of the no. of vacancies in favour of Scheduled Castes, such wards shall be taken with highest percentage of Scheduled Castes population in descending order.
- d. The same procedure indicated above shall be repeated for reservation of seats for Scheduled Tribes also.
- e. As the Statute require 50% reservation for Women (Scheduled Caste+Scheduled Tribes+General) of all the seats/ vacancies, half (i.e. 50%) of the total no. of Wards shall be reserved for Women, including the seats reserved for Scheduled Castes or Scheduled Tribes as per sub-section (3) of Section 9 of The Assam Panchayat Act, 1994.
- f. In case of conflict in reservation of a Gaon Panchayat Member Ward for both Scheduled Castes and Scheduled Tribes i.e. a particular Gaon Panchayat Ward if qualified for reservation for both Scheduled Castes and Scheduled Tribes, the norm should be that the higher percentage bearing community should prevail over the other and the other community should be moved over to the next ward as per descending order having next below percentage.
- g. Repeat the above procedure for Gaon Panchayat Members of all other Gaon Panchayats.

4. Reservation of Posts of President/Vice-President of Gaon Panchayat :

- a. Reservation of seats of Scheduled Castes and Scheduled Tribes for the post of President/Vice-President of Gaon Panchayats is to be done by the District Commissioners as per Section 10(2) (a) of The Assam Panchayat Act, 1994 read with sub-rule (5) of Rule 6 of the Assam Panchayat (Constitution) Rules, 1995.
- b. To workout the percentage of the Scheduled Castes and Scheduled Tribes population of the district with reference to total population of the district.
- c. Based on such percentages, to work out the total no. of Gaon Panchayats to be reserved for Scheduled Castes and Scheduled Tribes (by multiplying the percentage of SC/ST with the total no. of Gaon Panchayats).
- d. Next, to work out the individual Gaon Panchayat wise percentage of Scheduled Castes and Scheduled Tribes (to divide individual GP wise SC/ST population by that GP total population). Based on these percentage(s), to reserve the number of Gaon Panchayats as per (c) above, in descending order of the percentages.

- e. To reserve 50% of the seats for Women by lottery and by rotation, including those reserved for Scheduled Castes and Scheduled Tribes following the procedure under section 10(2) (b) of the the Assam Panchayat Act, 1994.

5. Reservation of seats of Member, Anchalik Panchayat; President/Vice –President of Anchalik Panchayat

Please refer to the Sec 34, Sec 38 of the Assam Panchayat Act, 1994 and Rule 7 of the Assam Panchayat (Constitution) Rules, 1995. The DC(s) of the district is the authority to make these reservations.

A. For reservation of Scheduled Castes and Scheduled Tribes for Anchalik Panchayat Members:

- a. To calculate the number of Scheduled Castes and Scheduled Tribes seats in the Anchalik Panchayat area by dividing the population of Scheduled Castes and Scheduled Tribes by the total population of the Anchalik Panchayat and multiply it by total no of constituencies to arrive at number of constituencies to be reserved for Scheduled Castes and Scheduled Tribes. To Reserve the seats by rotation as per section 34(1) of the Assam Panchayat Act, 1994 read with sub-rule (2) of Rule 7 of the Assam Panchayat (Constitution) Rules, 1995.

B. For reservation of Women for Anchalik Panchayat Member Constituencies including for SC/ST Members:

- a. Reservations of Women have to be done in accordance with sub-section (2) & (3) of Section 34 of the Assam Panchayat Act, 1994 read with sub-rule (2) of Rule 7 of the Assam Panchayat (Constitution) Rules, 1995.

C. Reservation for the posts of President/Vice-President of Anchalik Panchayat:

- a. Reservation of Scheduled Castes and Scheduled Tribes in the posts of President/Vice-President of Anchalik Panchayat is to be done by the District Commissioners on the basis of proportional representation as provided in Section 38(1) (a) of the Assam Panchayat Act, 1994 read with sub-rule (3) of Rule 7 of the Assam Panchayat (Constitution) Rules, 1995.

D. Reservation for Women in the post of President/Vice-President of Anchalik Panchayat including for SC/ST President/Vice-Presidents:

- a. 50% reservation for Women including for Scheduled Castes and Scheduled Tribes posts for President/Vice-President is to be done on the basis of section 38(1) (c) of the Assam Panchayat Act, 1994 read with sub-rule (3) of Rule 7 of the Assam Panchayat (Constitution) Rules, 1995.

6. Reservation of seats of Member, Zilla Parishad

- a. To refer section 66 and section 67 of the Assam Panchayat Act, 1994 and Rule 8 of the Assam Panchayat (Constitution) Rules, 1995.

A. Reservation for SC/ST for Members of ZP:

- a. Reservation for Scheduled Castes and Scheduled Tribes for members of Zilla Parishads shall be done by the District Commissioners on the basis of proportional representation and by rotation in accordance with Section 66(1) of the Assam Panchayat Act, 1994 read with sub-rule 2(a) of Rule 8 of the Assam Panchayat (Constitution) Rules, 1995.

B. Reservation for Women in the post of Members of Zilla Parishad including for SC/ST Members:

- a. 50% reservation for Women including for Scheduled Castes and Scheduled Tribes is to be done by District Commissioners in accordance with Section 66(2) and Section 67(1) of the Assam Panchayat Act, 1994 read with sub-rule(2) (b) & (c) of Rule 8 of the Assam Panchayat (Constitution) Rules, 1995.

7. Reservation for President/Vice-President of Zilla Parishad

The Panchayat & Rural Development Department should carry out reservation for the offices of President/Vice-President for SC/ST/Women in accordance with proportional representation based on provision of section 70A of the Assam Panchayat Act, 1994 read with other relevant provision as state wide data would only be available at the Government level.

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